IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14496 of 2004

Between:

C. Murali Krishna, S/o. C.V. Subba Rayudu,
R/o. Mannur Village, Rajampet Mandal, Kadapa District.

..... PETITIONER

AND

1 The District Collector (CS), Kapada District, Kadapa.
2 The Revenue Divisional Officer, Rajampet, Kadapa District.
3 The Mandal Revenue Officer, Rajampet Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of writ of Mandamus, to declare the impugned action of the respondents in not permitting the petitioner to lift the commodities in spite of paying the requisite amount for the month of August, 2004, without there being any order of suspension/cancellation, as illegal, arbitrary, discriminatory, unjust and violative of Article 14 and 19 of the Constitution of India, consequently direct the respondents to permit the petitioner to lift the commodities as usual in order to distribute the same to the card holders of Fair Price shop situated at Ward No. 8, Mannur Village, Rajampet Mandal, Kadapa District.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

This writ petition has been filed seeking a declaration that the alleged action of the respondents in not permitting the petitioner to lift the commodities for the month of August, 2004 inspite of the fact that his authorization is subsisting, as arbitrary and illegal.

This Court by order dated 17-08-2004, while granting time to the learned Government Pleader for Civil Supplies to obtain instructions, granted interim orders, directing the respondents to permit the petitioner to lift the commodities for distribution to the card holders, if the petitioner is holding a valid authorization and it is subsisting as on that date.

Today, when the matter is taken up for consideration, it is brought to my notice by the learned counsel for the petitioner that the 2nd respondent-Revenue Divisional Officer, Rajampet, Kadapa District, passed an order on 14-08-2004, revoking the authorization of the petitioner, alleging certain irregularities in distribution of commodities. The learned counsel states that the said order has been served on the petitioner on 24-08-2004, long after the order of this Court, dated 17-08-2004. The learned counsel for the petitioner, contends that the order dated 14-08-2004, is apparently antedated and the entire action of the respondents is arbitrary and illegal and that the order of revocation has been brought into existence only to defeat the order granted by this Court on 17-08-2004. The petitioner has also filed an affidavit to that effect, and sought suspension of the order dated 14-08-2004.

However, I am not inclined to express any opinion with regard to the validity of the order dated 14-08-2004 particularly in view of the fact that the petitioner has already preferred an appeal before the Joint Collector, Kadapa District, against the order dated 14-08-2004 and the same is pending. It is left open to the petitioner to urge all the grounds before the appellate authority regarding the validity of the order dated 14.08.2004. Having regard to the facts and circumstances of the case, there shall be a direction to the Joint Collector, Kadapa, to dispose of the appeal pending on his file against the order of the 2nd respondent dated 14.08.2004 as expeditiously as

possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, granting leave and liberty to the petitioner, the writ petition is disposed of. No costs.

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20-09-2004

Note: Office is directed to communicate

a copy of this order to

the Joint Collector, Kadapa District.

B/o

vs

To

1 The District Collector (CS), Kadapa District, Kadapa.
2 The Revenue Divisional Officer, Rajampet, Kadapa District.
3 The Mandal Revenue Officer, Rajampet Mandal, Kadapa District.

4. The Joint Collector, Kadapa District, Kadapa.

5 Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad.(O.U.T)

6 Two CD copies.